

## **Minneapolis City Planning Department Report**

### **Zoning Code Text Amendment Sidewalk Cafes**

**Date:** August 19, 2002

**Initiator of Amendment:** Council Members Lisa Goodman and Gary Schiff

**Ward:** Citywide      **Neighborhood Organization:** Citywide

**Planning Staff and Phone:** Hilary Watson, (612) 673-2639

**Subject Matter of the Ordinance:** Amendments to Title 20 of the Minneapolis Code of Ordinances related to Zoning Code, amending sections of Chapter 548, Commercial Districts, Chapter 549, Downtown Districts and Chapter 550, Industrial Districts, related to enclosed building requirements.

**Affected Sections of the Zoning Code:** The enclosed building requirement sections of Chapters 548, 549 and 550 – specifically sections 548.180, 549.160, 550.210 and 550.280.

**Background:** Sidewalk cafes are regulated by Chapter 265 of the Minneapolis Code of Ordinances. The city council recently amended Chapter 265 (section 265.290) to allow more permanent sidewalk café encroachment within the Central Commercial District (portions of the downtown and the east Hennepin area). Companion zoning subject matter related to outdoor dining was introduced to the city council July 12, 2002. The amendments to Chapters 548, 549 and 550 propose to delete from the zoning code conditions related to sidewalk cafes in order to allow Chapter 265 exclusive authority to regulate sidewalk cafes.

**Purpose of the Amendment:** The proposed amendments are intended to allow businesses located within the Central Commercial District to maintain amenities and improvements related to sidewalk cafes 24 hours a day. The zoning code will continue to inform property owners that sidewalk cafes must comply with the requirements of Chapter 265, but no longer will contain specific conditions relating to such use.

**What Problem is the Amendment Designed to Solve?** Currently, all businesses with sidewalk cafes are required to remove their outdoor tables and chairs on a daily basis when the sidewalk café is not being operated. This has impeded the development of higher amenity outdoor dining areas. The amendment will allow the city greater flexibility to regulate the location of more permanent sidewalk café improvements through Chapter 265.

**What Public Purpose will be Served by the Amendment?** By allowing businesses with sidewalk cafes to maintain a more permanent sidewalk cafe presence, the quality of the amenities and improvements may be increased.

**What Problems Might the Amendment Create?** The Planning Department does not foresee any problems that the amendments would create. Sidewalk cafes will continue to be regulated by the requirements of Chapter 265.

**Is the Amendment Timely?** The city council recently passed the amendments to Chapter 265 to authorize businesses within the Central Commercial District to maintain sidewalk café improvements 24 hours a day following approval of the required permit by the city council.

**Is the Amendment Consistent with Practices in Other Areas?** Staff reviewed the zoning codes for St. Paul, Minnesota, Chicago, Illinois, Portland, Oregon and Seattle, Washington. The cities of Portland, Oregon and St. Paul, Minnesota require that the sidewalk cafes tables and chairs be removed at night. The city of Chicago, Illinois allow the sidewalk cafes tables and chairs to remain intact 24 hours a day. And the city of Seattle, Washington requires that the Director of Seattle Transportation and/or the Director of Construction and Land Use make the determination on a case-by-case basis whether or not a sidewalk café may remain on the sidewalk 24 hours a day or not.

**How will the Amendment Implement the Comprehensive Plan?** One of the policies found in the Comprehensive Plan specifically addresses the importance of investing in development that is attractive, functional and adds value to the physical environment. These amendments allow for businesses to maintain a more permanent outdoor sidewalk café. Because the sidewalk cafes will be of a more permanent nature, businesses may be more willing to invest in the quality of the amenities and improvements may be increased.

**Recommendation of the City Planning Department:** The City Planning Department recommends that the City Planning Commission and the City Council adopt the above findings and approve the text amendment.

Goodman, Schiff

**Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances  
relating to Zoning Code: Commercial Districts.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 548.180(b) of the above-entitled ordinance be amended to read as follows:

**548.180. Enclosed building requirement.**

(b) *Outdoor dining.* Outdoor dining shall be allowed, provided the following conditions are met:

- ~~(1) — No table or table umbrella shall obstruct the clear vision of any street sign or traffic regulatory sign.~~
- ~~(2) — Trash and refuse storage shall be prohibited on public sidewalks adjacent to the outdoor dining area.~~
- ~~(3) — All tables, chairs and other furniture shall be removed from the sidewalk when the outdoor dining area is not in operation.~~
- ~~(4)~~(1) The outdoor dining area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use, as specified in Chapter 530, Site Plan Review.
- (2) Sidewalk cafes shall comply with the requirements contained in Chapter 265 of the Minneapolis Code of Ordinances, Special Permits for Specific Businesses and Uses.

**Amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to Zoning Code: Downtown Districts.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 549.160 of the above-entitled ordinance be amended to read as follows:

**549.160. Enclosed building requirement.** (a) In general. All production, processing, storage, sales, display or other business activity shall be conducted within a completely enclosed building, except as otherwise provided in subsections (b) and (c) below or elsewhere in this ordinance.

(b) *Outdoor dining.* Outdoor dining shall be allowed, provided the following conditions are met:

- ~~(1) No table or table umbrella shall obstruct the clear vision of any street sign or traffic regulatory sign.~~
- ~~(2) Trash and refuse storage shall be prohibited on public sidewalks adjacent to the outdoor dining area.~~
- ~~(3) All tables, chairs and other furniture shall be removed from the sidewalk when the outdoor dining area is not in operation.~~
- ~~(4)~~(1) The outdoor dining area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary, as specified in Chapter 530, Site Plan Review.
- (2) Sidewalk cafes shall comply with the requirements contained in Chapter 265 of the Minneapolis Code of Ordinances, Special Permits for Specific Businesses and Uses.

(c) *Outdoor sales and display.* The following may include outdoor sales and display provided such outdoor sales and display area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use, as specified in Chapter 530, Site Plan Review:

- (1) Automobile sales in the B4C District only.
- (2) Direct refueling of motor vehicles.
- (3) Lawn and garden sales in the B4C District only.
- (4) Permitted drive-through facilities.
- (5) Building material sales in the B4C District only.
- (6) Truck, trailer, boat or recreational vehicle sales, service or rental, subject to the regulations of the B4C District governing the outdoor parking of trucks and other commercial vehicles.

**Amending Title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to Zoning Code: Industrial Districts.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 550.210(b) of the above-entitled ordinance be amended to read as follows:

**550.210. Enclosed building requirement.**

(b) *Outdoor dining.* Outdoor dining shall be allowed, provided the following conditions are met:

- ~~(1) No table or table umbrella shall obstruct the clear vision of any street sign or traffic regulatory sign.~~
- ~~(2) Trash and refuse storage shall be prohibited on public sidewalks adjacent to the outdoor dining area.~~
- ~~(3) All tables, chairs and other furniture shall be removed from the sidewalk when the outdoor dining area is not in operation.~~
- (1) The outdoor dining area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use, as specified in Chapter 530, Site Plan Review.
- (2) Sidewalk cafes shall comply with the requirements contained in Chapter 265 of the Minneapolis Code of Ordinances, Special Permits for Specific Businesses and Uses.

Section 2. That Section 550.280(b) of the above-entitled ordinance be amended to read as follows:

**550.280. Enclosed building requirement.**

(b) *Outdoor dining.* Outdoor dining shall be allowed, provided the following conditions are met:

- ~~(1) No table or table umbrella shall obstruct the clear vision of any street sign or traffic regulatory sign.~~
- ~~(2) Trash and refuse storage shall be prohibited within the outdoor dining area or adjacent sidewalks.~~
- ~~(3) All tables, chairs and other furniture shall be removed from the sidewalk when the outdoor dining area is not in operation.~~
- (4)(1) The outdoor dining area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use, as specified in Chapter 530, Site Plan Review.
- (2) Sidewalk cafes shall comply with the requirements contained in Chapter 265 of the Minneapolis Code of Ordinances, Special Permits for Specific Businesses and Uses.